

**CITY OF ISSAQUAH  
DEVELOPMENT SERVICES DEPARTMENT**

**HEARING EXAMINER**

**Staff Report  
Maleki Preliminary Plat**

**March 4, 2014**

**APPLICATION:** PP13-00004

**PROJECT:** Maleki Preliminary Plat

**PROPERTY OWNER:** Mostafa Ghoreishi  
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Kirkland, WA 98034

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**REQUEST:** Preliminary plat application to subdivide a 2.13 acre site, currently 4 lots, into 8 single-family residential lots. The proposal includes a critical area tract (Tract A) and tracts for common open space areas (Tracts B, C). Infrastructure including utilities, driveway access, and stormwater facilities would be constructed prior to a final plat and construction of residences. Access to all proposed lots would be consolidated to a single driveway off Front Street S.

The proposal is for a cluster housing development and the land use code allows the lot sizes to be reduced below the zoning standard provided the maximum zoning density is not exceeded. The cluster provisions also allow for no building setbacks on interior lots, allow attached single-family residences, and require 15% of the developable site area to be provided as common open space area. The applicant proposes to construct single-family residences on each lot, with 2 residences attached by a common wall (townhouses). Common open space areas are provided adjacent to the street frontage and toward the back of the lots adjacent to the wetland buffer.

A Category I wetland is located on the southwest corner of the site. The proposal would reduce the 150-foot standard wetland buffer by 25%, to 112.5 feet with enhancement planting of the reduced buffer area.

**LOCATION:** The project site address is 1025/1035 Front Street S. The site is located in the NE ¼ and SE ¼ of SW ¼ of Section 34, Township 24N, Range 6E. See vicinity map, Exhibit 2.

**KC TAX PARCEL NUMBERS:** 342406-9156, -9356, -9357, -9358

**SITE AREA:** 2.13 acres

**COMPREHENSIVE PLAN:** Project site is designated “Low Density Residential” in the Issaquah Comprehensive Plan. The site is located within the “Sycamore” Subarea of the Comprehensive Plan.

**EXISTING ZONING:** SF-S (Single-Family Suburban). The zoning allows a maximum density of 4.5 dwelling units per acre.

**BACKGROUND:**

July 8, 2005: Short Plat, created 4 lots (PLN04-00102)

October 11, 2012: Pre-application meeting (PLN12-00062)

August 23, 2013: Complete Application

September 6, 2013: Notice of Application and Notice of Public Neighborhood Meeting.

September 17, 2013: Public Neighborhood Meeting with River & Streams Board. Minutes of the meeting are attached as Exhibit 13.

September 26, 2013: City code concerns letter

November 21, 2013: Applicant revised plans and information in response to code concerns.

January 22, 2014: SEPA Mitigated Determination of Nonsignificance (MDNS) issued and published in Issaquah Press.

January 28, 2014: City code concerns letter

February 10, 2014: Applicant revised plans and information in response to code concerns.

February 20, 2014: Applicant submitted revised landscape plans.

**PUBLIC NOTIFICATION:**

September 6, 2013: Notice of Application and Notice of Public Neighborhood Meeting sent to property owners within 300 feet.

December 4, 2013: Property posted with sign “Notice of Proposed Land Use Action.”

January 22, 2014: SEPA Determination published in Issaquah Press.

February 12, 2014: Preliminary plat public hearing notice published in Issaquah press.

February 13, 2014: Notice of public hearing sent to property owners within 300 feet, people who attended the Neighborhood Public Meeting, and parties of record.

Affidavits of mailed notices and of legal notices in Issaquah Press are in the Preliminary Plat file, and as Exhibit 11.

### **REVIEW PROCESS:**

The Issaquah Municipal Code (IMC) Section 18.04.490 states that Preliminary Plats shall be reviewed through a Level 4 review process and that the Hearing Examiner shall hold a public hearing and make the final decision.

Review of the cluster development shall occur within the existing procedure required for the application. (IMC 18.07.420.B). Therefore, the proposed cluster housing is to be reviewed as part of the preliminary plat approval.

After approval of a preliminary plat, the applicant may apply for construction permits to construct the roads, utilities and grading of the lots. A final plat review will follow after subdivision infrastructure has been installed or bonded for prior to recordation. Final plats also require the approval of the Hearing Examiner. After the final plat is recorded, single family building permits may then be issued for individual lot construction.

### **PUBLIC COMMENTS:**

Public comments were received after the mailed Notice of Application, and at or after the public Neighborhood Meeting with the River & Streams Board. The comments received are from adjacent property owners concerned about screening the proposed development from their properties and the lack of detailed building plans. All public comments received are included as Exhibit 12. Comments and staff responses are below:

- *Building plans were not available during the public comment period.*

Response: The proposal is for a preliminary plat, to create lots for future development. The applicant is not required to provide detailed building design/plans for a preliminary plat or cluster housing development.

- *The River & Streams Board meeting primarily discussed the wetland buffer.*

Response: The preliminary plat requires a public Neighborhood Meeting and due to wetland issues the plat also requires review by the River & Streams Board. It was made clear at the beginning of the meeting that the purpose of the meeting was to accomplish both objectives. There was a time set aside and announced specifically for public comments on the plat and proposed cluster housing.

- *At the public meeting, the applicant stated he was eliminating the screening vegetation shown on the plans. It doesn't seem that updated, appropriate materials were available for the meeting.*

Response: Plans available at the public meeting were submitted by the applicant and the application met submittal requirements. The plans showed the side yard setbacks to be landscaped to screen adjacent properties. This is also a requirement of the cluster housing provisions. The applicant has submitted more detailed landscape plans which show landscaping of the side yard setbacks.

- *We would prefer a wood fence to screen the development. A fence was required previously when the property was short-platted into 4 lots, so it would seem an appropriate requirement considering the increased density to 8 lots. Also, the plan shows the common open space areas adjacent to our property line, further justifying privacy fence screening.*

Response: The Administration recommends a condition (Condition 1) to require a wood fence along the common property line with adjacent residents.

### **CITY DEPARTMENT REVIEW:**

Application materials have been reviewed by City staff and departments including Fire, Police, Building, Parks, Engineering, and Public Works Operations. Their comments have been incorporated into this staff report, and other comments will be required during review of construction and building permits.

### **EXISTING SITE CONDITIONS:**

The subject property is presently comprised of 4 parcels and is developed with two single family residences and associated gravel parking and lawn areas in the northeast part of the site adjacent to Front Street S. A wetland and wetland buffer area is located in the southwest part of the site and comprises approximately 50% of the total site area. The on-site wetland is a part of a large Category 1 wetland system (60+ acres) associated with Issaquah Creek, extending off-site to the south and west. The on-site wetland and wetland buffer area consists primarily of scattered trees (Red Alder, Willow sp.) and an understory of Himalayan blackberry and Reed canarygrass.

### **SURROUNDING LAND USES:**

North/East: Single-family residence adjacent to site, Front Street S, townhouses across Front Street S, 2<sup>nd</sup> Ave SE

South/West: Single-family residence adjacent to site, wetland/Issaquah Creek Greenway

### **PROJECT DESCRIPTION:**

Preliminary plat application to subdivide a 2.13 acre site, currently 4 lots, into 8 single-family residential lots. The proposal includes a critical area tract (Tract A - 46,880 SF) and tracts for common open space areas (Tracts B, C, – total of 9,766 SF). Infrastructure including utilities, driveway access, and stormwater facilities would be constructed prior to a final plat and prior to construction of residences.

The proposal is for a cluster housing development and the land use code allows the lot sizes to be reduced below the zoning standard provided the maximum zoning density is not exceeded. The minimum lot size of the SF-S zone is 9,600 SF and the proposed lot sizes range from 2,755 SF to 5,637 SF. The cluster provisions also allow for no building setbacks on interior lots, allow attached single-family residences, and require 15% of the developable site area to be provided as common open space area. The applicant proposes to construct single-family residences on each lot, with 2 residences attached by a common wall (townhouses). Common open space areas are provided adjacent to the street frontage and toward the back of the lots adjacent to the wetland buffer.

A Category I wetland is located on the southwest corner of the site. The proposal would reduce the 150-foot standard wetland buffer by 25%, to 112.5 feet with enhancement planting of the reduced buffer area. The wetland and wetland buffer area comprise approximately 50% of the total site area. The wetland and wetland buffer area are proposed in a separate 1.08 acre tract (Tract A) from the residential lots.

Access to all proposed lots would be consolidated to a single driveway off Front Street S.

### **PRELIMINARY PLAT REVIEW:**

#### **1. Subdivisions – Chapter 18.13**

The proposal complies with the preliminary plat requirements of the Subdivision Chapter. A pre-application meeting (October 11, 2012) and public neighborhood meeting (September 17, 2013) were held. The preliminary plat met the application submittal requirements. Under IMC 18.13.140, the Hearing Examiner shall conduct a public hearing prior to making a decision on a preliminary plat. After

approval of a preliminary plat, the applicant may apply for construction permits to construct the roads, utilities and grading of the lots. A final plat review will follow after subdivision infrastructure has been installed or bonded for prior to recordation. Single family building permits may then be issued for individual lot construction.

The applicant shall apply for a Site Works Permit to construct the roads, utilities and grading of the lots. A final plat review will follow after subdivision infrastructure has been installed or bonded for prior to recording.

Proposed lot lines would cross/conflict with the two existing single family homes on the site. The two existing residences shall be removed prior to recording the final plat.

**2. Development and Design Standards – Chapter 18.07**

The proposal is for a cluster housing development and the land use code allows development standards of the underlying SF-S zone to be varied in order to achieve the purpose or objectives of the cluster housing standards. The purpose of the cluster housing standards (IMC 18.07.420.A) is to:

1. *Achieve the maximum allowable density, as established on the District Standards Table (IMC 18.07.360), on developable land while preserving critical areas and other pervious surfaces through lot size reduction;*
2. *Provide more common usable and native forested open space within cluster developments that are not a part of a platted lot;*
3. *Encourage affordable housing through the provision of smaller lots; and*
4. *Provide a more efficient arrangement of structures for providing services and infrastructure.*

*A cluster development may include, but is not limited to, zero lot line units, manufactured homes, duplex, triplex and fourplex units.*

The District Standards Table 18.07.360 summarizes the development standards applicable to the underlying SF-S zone and to cluster housing development:

<b>Development Standard</b>	<b>Single Family Suburban (SF-S)</b>	<b>Cluster Housing</b>	<b>Proposed</b>
<i>Maximum density (dwelling units/acre)</i>	4.5 DU/AC	Density equal to underlying zone	3.76 lots per acre
<i>Lot size</i>	9,600 SF	No minimum for lots within the cluster	2,755 SF to 5,637 SF
<i>Lot width</i>	70 feet	No minimum	30.0 - 37.5 feet
<i>Setbacks</i>	Front yard – 20 feet Side yard – 8 feet Rear yard – 10 feet	Setbacks at exterior site boundaries. No minimum interior setbacks.	Setbacks from site boundaries Front yard – 60 feet Side yard – 12 feet Rear yard – 110 feet
<i>Maximum impervious area:</i>	40%	Equal to underlying zone for the gross site, no requirements on individual lots.	Approximately 24%
<i>Minimum pervious area</i>	60%		Approximately 76%

<i>Building height:</i>	30 feet	Equal to underlying zone	Unknown at this time. Height limits will be reviewed with building permits.
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Residential Density

The site is zoned Single-Family Suburban (SF-S) which allows a maximum density of 4.5 dwelling units per acre. Critical areas, including wetlands and wetland buffer areas, on a site cannot be developed and receive only partial density credit which may be transferred to the developable area of the site. The gross site area is 2.13 acres. There are 1.05 acres of the site that is wetland or wetland buffer. This equates to 49% of the site area. The code allows 60% density credit when the 41-50% percent of a site is encumbered with critical areas (IMC 18.10.450). The following formula is provided in the code to determine the allowed density on sites with critical areas:

$$\text{Maximum Dwelling Units (DU)} = \text{Acres in Critical Areas/Buffers (1.05 Ac.)} \times \text{Zoning Density (4.5 DU/Ac)} \times \text{Density Credit of 60\% (.60)} = 2.84 \text{ DU} + \text{Acres outside critical areas/buffers (1.08 Ac)} \times \text{Zoning Density (4.5 DU/Ac)} = 4.86 \text{ DU} = 7.7 \text{ total dwelling units, rounded up to 8 dwelling units.}$$

The proposal for 8 lots meets the maximum density allowed, considering the partial density transfer from the critical areas (wetland/wetland buffer) on the site.

Minimum Lot Size and Setbacks

There is no minimum lot size required under the cluster housing standards. The SF-S zone has a 9,600 SF minimum lot size. The proposed lot sizes range from 2,755 SF to 5,637 SF. The reduced lot sizes are consistent with objectives of the cluster housing provisions: *Achieve the maximum allowable density on developable land while preserving critical areas and other pervious surfaces through lot size reduction.*

No building setbacks are required from interior lot lines under the cluster housing standards. Building setbacks per the SF-S zoning standard are required along the exterior site boundaries, and these setback areas are to be fully landscaped. The required side yard setback in the SF-S zone is 8 feet. The proposal includes a 12-foot side yard building setback from the exterior site boundaries, and the 8-foot side yard/building setback is landscaped.

There are existing single family residences adjacent to the north and south of the proposed development. The project’s common open space areas are located along the periphery of the site, adjacent to the existing neighboring residences. The adjacent neighbors commented and have requested a wood fence to screen the development and the common open space areas from their residences. The SEPA determination included the following mitigation measure: *“The exterior site boundary side yard setbacks shall be landscaped and/or fenced to adequately screen the proposed development from the adjacent single family residential properties.”* The Administration recommends modifying this condition to require the applicant to construct a 6-foot wood fence along the side property boundaries to adequately screen the proposed development from the adjacent single family residential properties.

**3. Cluster Housing Standards – IMC 18.07.420**

Approval Criteria

1. *Minimum Area: A minimum of two (2) acres is required for a cluster development; however, there is no minimum lot size for individual units within the development.*

Site is 2.13 acres and qualifies for a cluster development.

2. *Density: Overall density must not exceed density of underlying zoning district.*

Overall density of proposal is 3.76 lots per acre and the SF-S zone allows a density of 4.5 lots per acre. The proposal does not exceed density of underlying zoning and complies with the density calculation for critical areas in IMC 18.10.450.

3. *Consistency with Policies: The proposed development will be consistent with the general purpose, goals, objectives, and standards of the Comprehensive Plan, the City's subdivision regulations (Chapter [18.13](#) IMC), this Code and all other pertinent rules or regulations, whether local, state or federal.*

The proposal is consistent with the City's Comprehensive Plan, subdivision regulations, land use code, and other pertinent rules or regulations.

4. *Development Standards: Required development and design standards for cluster housing are established in the District Standards Table (IMC [18.07.360](#)), and based upon the underlying district standards for the parcel.*

- a. *Critical Areas: When critical areas are present, such critical areas and their buffers shall be used to calculate the pervious surface requirement. Environmentally constrained land shall not be used for subdivision of individual lots, and shall be held in a critical area tract or other protection method.*

The wetland/wetland buffer critical areas have been included in calculating the pervious surface requirement. 76% of the total site area would be pervious; the SF-S zoning requirement is 60%. The wetland/wetland buffer area is shown as a separate tract (Tract A) from the individual lots. A Native Growth Protection Easement (NGPE) will be required to protect the critical area in perpetuity from development and alteration.

- b. *Common Usable Open Space: The cluster development shall have a minimum of fifteen (15) percent of the net site area as common usable open space.*

The "net site area" is defined as the gross site area minus the area used for public or private roadways, dedicated right-of-way, easements and any area in special purpose overlay districts, critical areas and associated buffers (IMC 18.02.210). The proposal includes 23% of the net site area (excluding the critical area tract and driveway easement area) as common usable open space.

"Common usable open space" is defined as: those areas not on individually owned lots that are accessible for a variety of recreation uses, including, but not limited to trails, picnic areas and other recreation. Critical areas and their associated buffers are not defined as common usable open space. The proposal includes common open space areas in tracts (Tracts B, C) separate from the individually-owned lots. The open space is located in the corners of the site adjacent to the street frontage and in the back of the lots adjacent to the wetland buffer area. The open space areas along the street frontage would add a more landscaped appearance to the development from the street. The open space along the back of the lots would provide residents open space for passive use adjacent to the wetland buffer, which would be fenced and limited for activity. Recreation uses in the common open space areas include a sports court along the street frontage and picnic seating /tables in the open space areas adjacent to the wetland buffer. A trail to connect the street frontage common open spaces to the common open space adjacent to the wetland buffer is proposed along the side of Lots 1 and 8. The 4-foot wide crushed rock path would be directly abutting the residences on Lots 1 and 8. This could result in a privacy issue for the residents on Lots 1 and 8 and discourage the common use of the open space areas as intended. The site plan should be revised to include 3 feet of landscape screening between the trail and the abutting residences.

The common open space tracts (Tract B and C) will be held in common ownership and are intended to be accessible to all residents of the development. The maintenance of the common open space areas would be the responsibility of the residents. The final plat should include notes for the common open space Tracts B and C, to clarify common ownership, common access, and common maintenance responsibilities.

Improvement of the common open space areas and landscaping is part of the plat improvements and therefore shall be installed or bonded for prior to recording of the final plat.

- c. *Setbacks at exterior site boundaries, where the zoning is different than the abutting zoning, shall be the greater of the setback required by the site's zoning or the setback required by the adjacent zoning. There are no minimum interior setbacks, except those established by other requirements, such as building code, easements and critical areas.*

Zoning abutting the subject parcel is Single Family Suburban (SF-S) and the proposal includes an 8-foot landscaped setback (12-foot total building setback) along the north and south side property boundaries, consistent with the SF-S standard. Adjacent to the west site boundary is the large wetland complex zoned Community Facilities – Open Space (CF-OS). The code states setbacks in the CF-OS zone are determined by the most restrictive contiguous zoning, which is the SF-S zone standard. The proposal includes a minimum 100-foot building setback from the west property boundary. Proposed buildings are setback a minimum of 60 feet from Front Street, and the front yard building setback required in the SF-S zone is 20 feet.

- d. *Pervious and impervious surface requirements are equal to underlying zone for the gross site, prior to subdivision or other actions. There are no minimum requirements for pervious and impervious ratios on individual lots within the cluster development.*

The total impervious surface area for the overall site is approximately 24% and the SF-S standard is a maximum of 40% impervious. As noted in the cluster housing standards, there are no minimum pervious requirements on individual lots.

5. *Landscape Plan: Residential projects developed as a cluster development (this section) shall be required to submit a landscape plan per IMC [18.12.070](#) and a Building Permit(s) shall not be issued until the landscaping plan has been approved. The landscaping plan shall be fully detailed as required by the provisions of the landscaping chapter and shall be subject to the approval of the Planning Director/Manager. Minimum standards for cluster development projects shall include:*

Detailed landscape plans have been submitted with the application, consistent with the Landscaping code, IMC 18.12.

- a. *Landscaping of all building setbacks and internal areas between buildings except for ingress and egress (driveways and sidewalks) shall be as required for multifamily residential uses in IMC [18.12.070](#), Schedule – General requirements by landscape type.*

All building setback areas and internal areas between buildings are landscaped.

- b. *Landscaping on the exterior periphery yards of a cluster development project shall include a combination of coniferous and deciduous trees, shrubs and ground cover.*

Exterior, periphery yards are landscaped with a combination of coniferous and deciduous trees, shrubs and groundcover.

- c. *The minimum pervious area established by the underlying zone of the clustered development shall be fully landscaped. Critical areas and their associated buffers (i.e., steep slopes, wetlands, etc.) retained or recreated as native forest may count towards the required pervious area and need not be landscaped. Enhancement of those critical areas, including critical area buffers, may be required if they are counted towards required buffering.*

Pervious areas are fully landscaped. The wetland/wetland buffer critical area will be enhanced with native trees and shrubs, as required for the reduction of the wetland buffer.

6. *Impacts:*

- a. *Neighborhood: The proposed clustering of the development will not have a substantial adverse impact on adjacent property, the character of the neighborhood or community, traffic conditions, parking, utility facilities, or other elements affecting the public health, safety and general welfare.*

There are existing single family residences adjacent to the north and south of the proposed development. The landscape plans show the 8-foot wide side yard setbacks adjacent to the residences are fully landscaped. The project's common open space areas are located along the periphery of the site, adjacent to the neighboring residences. To minimize the impacts on the adjacent residences, a SEPA mitigation measure required the setback areas be landscaped and/or fenced to adequately screen the proposed development from adjacent properties. The neighboring residents have sent in comments requesting that the applicant construct a wood fence to screen the development. The Administration recommends a condition (Condition 1) to require a wood fence along the common property line with adjacent residents.

The subject site is located on Front Street S, a minor arterial street, and there are a mix of land uses in the immediate vicinity of the site including single-family small lot development, multi-family uses and institutional uses. There is an attached townhouse development directly across the street from the site. The proposal would not have adverse impacts on the character of the neighborhood.

Access to the proposed subdivision would be from a single, consolidated driveway off Front Street S. This minimizes the number of driveway cuts onto Front Street S, which is classified as a Minor Arterial. Issaquah Street Standards (October 15, 2010) require limiting a driveway access to a right turn in – right turn out when a driveway intersects a Minor Arterial, unless the driveway is signalized for full access and the location meets the minimum spacing requirements (Design – B. Access Control Driveways, #3). The proposed driveway location is approximately 55 feet from the signalized intersection of Front Street S and 2<sup>nd</sup> Ave SE. A SEPA measure required limiting the driveway access to right-in/right-out turns to reduce potential traffic conflicts with the signalized intersection and traffic safety on Front Street S.

- b. *Environment: The proposed cluster development will not result in the destruction, loss, or damage of any scenic corridor or Issaquah Treasure as identified in the City's Comprehensive Plan.*

The proposed cluster development would not impact, destruct or damage any scenic corridors or views or Issaquah Treasures.

- c. *Services: The proposed cluster development will be adequately served by essential public facilities and services (such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water, sewers and schools) or the persons or agencies responsible for the establishment of the proposed use will adequately provide for such services.*

The proposed development would be adequately served by essential public facilities and services. Front Street, a minor arterial, provides access to the site and all public utilities (i.e. water, sewer) are available from Front Street and have adequate capacity. Impact fees will be required for schools, fire, police, parks and transportation to fund future capital projects serving the development.

7. *Implementation:*

- a. *Unit Types: Developments proposed under the cluster provision may use the zero lot line provision, single family semidetached (common wall) units or other methods or combinations, provided all the approval criteria established for those housing types and cluster development approval criteria are met.*

The applicant proposes to construct single-family residences on separate lots, with 2 residences attached by a common wall (townhouses). The Table of Permitted Land Uses (IMC 18.06.130)

allows 2 attached single family dwellings in the SF-S zone, if approved through the cluster housing provision.

- b. *More Than One (1) Zoning District: A development which includes more than one (1) zoning district may use the cluster provision and may site the clustered units in one (1) or all zoning districts within the development. Overall density of the cluster development cannot be more than the combined total for all included district properties. However, units can be sited in one (1) or all zoning districts.*

The entire site is zoned Single-Family Suburban (SF-S).

- 8. *Zero Lot Line Standards: The following are additional approval criteria for zero lot line cluster development:*

- a. *Lot Coverage/Impervious Surface: The impervious surface on the original parcel before subdividing shall not exceed those standards established in the District Standards Table (IMC [18.07.360](#)).*

The total impervious surface area for the overall site is approximately 24% (the critical area/buffer alone is approximately 50% of the total site area) and the SF-S standard is a maximum of 40% impervious. There are no minimum pervious requirements on the individual lots.

- b. *Maintenance and Drainage Easements: A perpetual easement at least five (5) feet wide for maintenance, eaves overhang, and drainage shall be provided on the lot adjacent to the zero lot line property line which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title of the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two (2) affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed eighteen (18) inches. Water runoff from the dwelling placed on the lot line is limited to the easement areas. An alternative to having an easement on the adjacent lot is to set back the dwelling unit two (2) to five (5) feet from the lot line so access can occur on each lot, and then give the adjacent lot use of this area through an easement in the setback area.*

The preliminary plat plans show a 5-foot storm easement along the common side lot lines where the structures are not attached. This easement should be revised to also allow for maintenance of the building walls. The Building Code [2012 IRC Building Code, Table R 302.1(1)] limits wall openings (windows), eave overhangs, and requires fire-rated walls where buildings aren't separated by a minimum of 6 feet. The applicant will need to comply with these standards with building permit applications.

- c. *Platting Requirements: Each dwelling shall be located on its own individual platted lot. The final plat or short plat shall provide a plan, drawn to scale as required by the current subdivision regulations within this Code (Chapter [18.13](#) IMC), indicating the exact location and building footprint of all structures proposed to encroach within the required setback, the zero lot lines, and the related easements.*

The Conceptual Building, Access, & Utility Plan (Sheet 1 of 1) shows each proposed dwelling on its own individual lot. The final plat shall include the exact location and building footprint of all structures proposed to encroach within the required setback, the zero lot lines, and the related easements.

- d. *Setbacks: See IMC [18.07.360](#), District standards table.*

According to the District Standards Table (IMC 18.07.360), for cluster housing there are no minimum interior building setbacks on lots, and building setbacks are required only at the exterior site boundaries. The proposal includes required setbacks at the exterior site boundaries.

#### **4. Design Standards, Design Criteria Checklist - Chapter 18.07 Development and Design Standards – Appendix 2**

The design standards apply to the review of Level 0 through Level 6 permits. A preliminary plat is a Level 4 review with the decision by the Hearing Examiner.

##### **A. Site Layout and Overall Design Concepts**

The overall site design responds to the natural setting of the site; the back of the residences and back yards would provide views of the wetland complex behind and to the west of the residences. The common open space areas are located accessible to all residents and connections are provided between the open space along the street frontage and usable open space adjacent to the protected wetland buffer area. The proposed residences would be located facing toward Front St S. To encourage a street orientation, the front doors of the residences should be visible and clearly oriented to the street. This will be reviewed with building permits.

##### **B. Landscape Design and Use of Plant Materials**

The common open space areas, the street frontage and the entries to the residences are all landscaped with trees, shrubs and groundcover. The landscaping unifies the site; connecting and defining the common open space areas, providing screening, and a well-landscaped appearance from the street.

##### **C. Design Harmony and Compatibility**

Criteria in this section address building materials, colors, modulation and signage. These standards are not applicable to a preliminary plat for single family residences.

##### **D. Nonmotorized and Vehicular Areas**

A pedestrian trail is provided to connect the common open space areas along the street frontage with the common open space areas in back of the residences adjacent to the wetland buffer area. There should be a clear pedestrian connection between the front doors of the residences to the sidewalk along Front St S to ensure safe and efficient pedestrian access. This may be accomplished with a combination of sidewalks, change of paving materials, or paint striping/patterns. The pedestrian connections should be approved prior to recording of the final plat.

To minimize the predominance and visibility of parking areas, the residential garages should be recessed or setback from the front door entries to the residences.

##### **E. Service and Storage Areas**

Not applicable to a single family residential development.

#### **5. Parking – Chapter 18.09**

The code requires 2 parking spaces per single family residence. Per the applicant, each residence will have a 2-car garage to meet this standard. This will be reviewed with building permits. In addition, the driveways are proposed with sufficient length (20 feet) to allow for parking 2 vehicles. No additional guest parking is proposed on the site so parking in the driveways is important to accommodating guest and additional parking without off-site impacts. The driveways need to be a minimum length of 18 feet or parked vehicles could block the internal drive. Driveways shall be a minimum of 18 feet in length to ensure adequate on-site parking and that parked vehicles will not encroach into the common drive access.

#### **6. Landscaping and Tree Retention – Chapter 18.12**

Subdivisions in the SF-S zone are required to retain a minimum of 30% of the total caliper of existing significant trees outside of critical areas and buffers. The Conceptual Building, Access & Utility Plan shows existing trees and the trees to be preserved. The plans indicate that 23% of the total tree caliper would be retained; the retained trees are existing cedar trees in the common open space areas. The code

allows for up to a 50% reduction of the tree retention requirements provided criteria listed in IMC 18.12.1385.B are met as follows:

1. The modification is consistent with the purpose and intent of this chapter, Chapter [18.12](#) IMC, Landscaping and Tree Preservation; and

The intent of the Chapter “*is to establish general minimum landscape standards to provide beautification of the community by requiring well-designed green spaces that buffer high intensity urban uses and integrate good landscaping design principles. It is also the City’s intent to preserve the benefits that trees provide to the community, to mitigate where tree loss cannot be avoided, to maintain and enhance canopy coverage and to provide for the effective removal of hazard trees to protect public health and safety.*”

There is 25 feet of landscaping along the street frontage, including the planter strip and common open space areas. This will provide a substantial green space along Front St, beautifying the community and buffering the proposed development from the street traffic. The southwest half (50%) of the site is wetland/wetland buffer and the applicant is enhancing this area planting native trees and shrubs (300 trees and 698 shrubs), adding to the City canopy coverage.

2. The modification incorporates the retention of a grouping(s) of smaller trees that make up the equivalent diameter inches and retains other natural vegetation occurring in association with the smaller tree grouping(s); and

Groupings of smaller trees are proposed for retention along the street frontage and in the common open space areas.

3. The modification is necessary because the size, shape, topography, or location of the subject property may jeopardize the reasonable use of the property and reasonable alternatives do not exist; and

Approximately half (50%) of the site is wetland/wetland buffer area and existing trees in critical areas/buffers cannot be counted toward tree retention. The code allows development to be transferred from the critical areas and therefore it’s difficult to accommodate the transfer of density plus the tree retention requirements on the subject site. The modification is necessary to allow for development approximating the allowed density of the zoning.

4. The modification is necessary because the required ingress/egress, existing and proposed utility locations, trails, storm drainage improvements or similar constraints may jeopardize the reasonable use of the property and reasonable alternatives do not exist; and

Some existing trees would need to be removed for the necessary access drive.

5. The modification is necessary to provide solar access to a building that incorporates active solar devices. Windows are solar devices only when they are south-facing and include special storage elements to distribute heat energy.

It doesn’t appear that tree removal is necessary to provide solar access to buildings.

Recommendation: The proposal would reduce the tree retention requirements from 30% to 23% of the existing tree caliper. The Administration concurs with the reduction in tree retention requirements based on satisfaction of the above criteria.

In order to protect the trees identified to be retained from construction impacts, the trees proposed shall be outside clearing/grading limits or will require protective fencing, and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities. Tree protection measures will be reviewed with construction plans and shall be installed prior to clearing/grading activity.

## **7. Environmental Protection – Chapter 18.10**

### **Critical Areas Regulations:**

The site includes a portion of a large Category 1 wetland (approximately 60 acres total), which extends onto the southwest corner of the site. The wetland and wetland buffer area on the site is approximately 1.08 acres, or 50% of the total site area. The wetland was rated according to the Wetland Rating System for Western Washington (Washington State Department of Ecology) and a 150-foot buffer is required based on the category of the wetland and the habitat score. The applicant has proposed to reduce the wetland buffer width by 25%, to 112.5 feet. The reduced buffer would be fully enhanced with removal of invasive plants and planting native trees and shrubs. The Critical Areas Regulations allow wetland buffers to be reduced by a maximum of 25% with enhancement of the reduced buffer area, IMC 18.10.650.D.3. The proposed buffer enhancement would significantly increase the diversity of plant species and the structural diversity of the buffer over the current conditions. The enhancement planting would also provide a visual and physical screen between the wetland and the proposed development. The applicant will be required to record a Native Growth Protection Easement (NGPE) over the wetland/wetland buffer to protect the area in perpetuity from development and alteration of the vegetation.

The on-site wetland/wetland buffer area is adjacent to City-owned property and is part of a larger wetland complex. There is an existing chain link fence along the property line and this could be a barrier to wildlife movement through the wetland complex. The applicant should remove the existing chain link fence along the wetland/wetland buffer area abutting City property, so it isn't a barrier to wildlife movement.

#### Environmental Review:

The City's SEPA Responsible Official reviewed the proposed subdivision and determined it would not have a probable significant adverse impact on the environment. The determination was made after review of a completed environmental checklist and site plan. Accordingly, the City issued a Mitigated Determination of Non-Significance (MDNS) on January 22, 2014. The Muckleshoot Indian Tribe requested a copy of the buffer enhancement plan and asked about the location of the floodplain on the site, but had no further comments on the proposal. There were no other comments on the SEPA determination and the appeal period ended February 12, 2014.

SEPA mitigation measures required to mitigate impacts of the proposal are listed as recommended project conditions in the back of this staff report.

#### **8. Transportation Concurrency Management – Chapter 18.15**

The Certificate of Transportation Concurrency was issued on December 27, 2013 (See Exhibit 9). The analysis concluded the proposal for 8 single family lots would generate 6 new PM peak hour trips. This includes credit for the 2 existing single family residences on the site. No concurrency traffic modeling is required for development that generates less than 30 net new trips.

#### **9. Site Access and Frontage Improvements**

Access to the proposed subdivision would be from a single, consolidated driveway off Front Street S. This minimizes the number of driveway cuts onto Front Street S, which is classified as a Minor Arterial. Issaquah Street Standards (October 15, 2010) require limiting a driveway access to a right turn in – right turn out when a driveway intersects a Minor Arterial, unless the driveway is signalized for full access and the location meets the minimum spacing requirements (Design – B. Access Control Driveways, #3). The proposed driveway location is approximately 55 feet from the signalized intersection of Front Street S and 2<sup>nd</sup> Ave SE. A SEPA mitigation measure requires the driveway access to be signed and limited to right-in/right-out turns only, in order to reduce potential traffic conflicts with the signalized intersection and traffic safety on Front Street S.

Street standards require a 5-foot landscape strip between the curb and sidewalk, separating the street from pedestrians. Currently, a sidewalk directly abuts the curb, but there is no landscape strip. The applicant has requested a deviation from the street standards, noting that sidewalks abut the street and there are no planter strips for over 1 mile along both sides of Front St S adjacent to the proposed development. In order for the City to construct street improvements in the future along Front St S, in accordance with the

current street standards, the applicant will need to dedicate 2 feet to provide sufficient right-of-way width to meet the street standards.

## **10. Utilities**

City water and sewer utilities exist along the Front St frontage and there are no issues with capacity of the water/sewer system to provide service to the proposed development.

The applicant proposes infiltration and/or dispersion trenches to handle stormwater runoff from building roofs and driveways. This type of stormwater system is allowed, but more detail on the soil type and sizing of the facility is necessary. The project's stormwater facilities must meet the guidelines and requirements of the 2009 King County Surface Water Design Manual (2009 KCSWDM) as adopted by the City of Issaquah and the City of Issaquah Surface Water Design Manual Addendum 2011.

## **11. Washington State Subdivision Law**

RCW 58.17.110 states:

*Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages.*

*(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.*

*(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.*

*(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.*

The proposed preliminary plat meets the “factors to be considered” and requirements of RCW 58.17.110. The plat includes appropriate provisions for utilities (potable water supplies, sanitary wastes), streets, open spaces, and drainageways. Impact fees will be required with building permits for parks and recreation, and schools. The sidewalk along Front St S would provide a safe walking route to schools.

Appropriate provisions are made for the public health, safety and general welfare and the public use and interest will be served by the platting and dedication.

## **12. Impact Fees**

Impact fees are required for each new single family residence. The applicant would receive credit for the 2 existing single family residences on the subject property. The following impact fees will be required and the applicable cost calculated at the time of issuance of building permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA).

## **CONCLUSIONS:**

The proposed Preliminary Plat is consistent with the Issaquah Comprehensive Plan, Issaquah Land Use Code, and other applicable development regulations. The proposal meets the approval criteria of the Subdivision Code, IMC 18.13, and Washington State Subdivision Code, RCW 58.17.110. The project as reviewed above and conditioned below provides appropriate provisions for the public health, safety, and general welfare.

## **ADMINISTRATION'S RECOMMENDATION:**

The City of Issaquah Administration recommends Approval of the Maleki Preliminary Plat, PP13-00004, subject to the following conditions:

- 1) The exterior site boundary side yard setbacks shall be landscaped and a 6-foot wood fence constructed by the applicant along the side property boundaries to adequately screen the proposed development from the adjacent single family residential properties.
- 2) Final wetland/wetland buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.
- 3) The wetland/wetland buffer enhancement plans shall be revised to include trees and/or willow stakes shall be planted in the wetland area to out-compete invasive plant species and to increase the cover and structural diversity of vegetation in the wetland to improve functions over the existing conditions.
- 4) The applicant shall provide an as-built plan of the wetland/wetland buffer enhancement and the consulting biologist shall verify in writing that the planting has been installed per plan prior to final plat approval.
- 5) A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost prior to final plat approval.
- 6) A wood split rail fence shall be installed along the edge of the wetland buffer (Tract A) to control circulation and limit human and pet encroachment into the wetland, prior to final plat approval.
- 7) Permanent survey stakes shall be set to delineate the boundaries between critical area tracts and adjoining properties, prior to final plat approval.
- 8) The applicant shall provide certification from a surveyor that development activity and improvements on individual lots do not extend in critical area buffers and common open space areas, prior to final plat approval.
- 9) Signs between critical area tracts and adjacent properties shall be installed, explaining the type and value of the critical area, prior to final plat approval.

- 10) The final plat shall include Native Growth Protection Easement (NGPE) language to protect the critical area tract (Tract A) from development and alteration of vegetation in perpetuity.
- 11) The driveway access shall be signed and limited to right-in/right-out turns only.
- 12) The applicant shall apply for a Site Works Permit to construct the roads, utilities and grading of the lots. A final plat review will follow after subdivision infrastructure has been installed or bonded for prior to recording.
- 13) Proposed lot lines would cross/conflict with the two existing single family homes on the site. The two existing residences shall be removed prior to recording the final plat.
- 14) The common open space areas along the street frontage are connected to the common open space adjacent to the wetland buffer by a trail located adjacent to Lots 1 and 8. The 4-foot wide crushed rock path would be directly abut the residences on Lots 1 and 8. This could result in a privacy issue for the residents on Lots 1 and 8 and discourage the common use of the open space areas as intended. The site plan shall be revised to include 3 feet of landscape screening between the trail and the abutting residences.
- 15) The common open space tracts (Tract B and C) will be held in common ownership and are intended to be accessible to all residents of the development. The maintenance of the common open space areas will be the responsibility of the residents. The final plat shall include notes for the common open space Tracts B and C; to clarify common ownership, common access, and common maintenance responsibilities.
- 16) Improvement of the common open space areas and landscaping is part of the preliminary plat improvements and therefore shall be installed or bonded for prior to recording of the final plat.
- 17) The preliminary plat plans show a 5-foot storm easement along the common side lot lines where the structures are not attached. This easement shall be revised to also allow for maintenance of the building walls.
- 18) The final plat shall indicate the exact location and building footprint of all structures proposed to encroach within the required setback, the zero lot lines, and the related easements. Easements shall be granted to each of the properties using the private street/road for purposes of access (ingress and egress) and utilities.
- 19) The proposed residences shall be located facing toward Front St S. To encourage a street orientation, the front doors of the residences shall be visible and clearly oriented to the street. This will be reviewed with building permits.
- 20) To ensure safe and efficient pedestrian access, there shall be a clear pedestrian connection between the front doors of the residences to the sidewalk along Front St S. This may be accomplished with a combination of sidewalks, change of paving materials, or paint striping/patterns, subject to the approval of the Development Services Department. The pedestrian connections shall be approved prior to recording of the final plat.
- 21) To minimize the predominance and visibility of parking areas, the residential garages shall be recessed or setback from the front door entries to the residences.
- 22) Driveways shall be a minimum of 18 feet in length to ensure adequate on-site parking and that parked vehicles will not encroach into the common drive access.
- 23) In order to protect the trees that have been identified to be retained from construction impacts, the trees proposed shall be outside clearing/grading limits or will require protective fencing, and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities. Tree protection measures will be reviewed with construction plans and shall be installed prior to clearing/grading activity.

- 24) The applicant shall remove the existing chain link fence along the wetland/wetland buffer area abutting City property, so it isn't a barrier to wildlife movement.
- 25) The applicant has requested a deviation from the street standard frontage improvements, to not install a 5-foot wide planter strip between the curb and sidewalk. In order for the City to construct street improvements in the future along Front St S, in accordance with the current street standards, the applicant shall dedicate 2 feet to provide sufficient right-of-way width.
- 26) Stormwater facilities shall meet the guidelines and requirements of the 2009 King County Surface Water Design Manual (2009 KCSWDM) as adopted by the City of Issaquah and the City of Issaquah Surface Water Design Manual Addendum 2011. Additional soil infiltration and material testing is required to determine the proposed water quality design meets the code requirements.
- 27) The following impact fees will be required and the applicable cost calculated at the time of issuance of building permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA).

#### Construction and Building Permit Conditions

- 28) New water meters shall follow City of Issaquah 2012 water standards. City of Issaquah Public Works Operations (PWO) will install new service runs and meters. For existing meters PWO will install all meter upgrades.
- 29) Prior to demolition of the existing residences, an asbestos survey must be conducted by an AHERA - certified building inspector and filed with the Puget Sound Clean Air Agency (206-515-2800). 2. A Notice of Intent MUST be filed with the Puget Sound Air Pollution Control Agency prior to any demolition work being done. A copy of the Notice of Intent must be kept on site and be available for review by inspection personnel. 3. All asbestos must be removed prior to demolition.
- 30) A foundation soils report by a licensed WA state geotechnical engineer will be required at the time of building permit submittal. A peer review of the submitted soils report by a second engineer may be required on some sites.
- 31) The Building Code [2012 IRC Building Code, Table R 302.1(1)] limits wall openings (windows), eave overhangs, and requires fire-rated walls where buildings aren't separated by a minimum of 6 feet. The applicant will need to comply with these standards with building permit applications.
- 32) If you post "No Parking- Fire Lane" signs along the driveway to the homes then the homes will not have to be equipped with fire sprinklers due to non approved access. If you do not want to install the signs then the distance from an approved access road (the main road) to the furthest wall of the home will exceed 150 feet allowed by code before a sprinkler system is required.
- 33) One and two family dwelling structures that exceed 5000 sq. ft. (this number includes the garage) shall have fire sprinklers installed per NFPA 13-D as per city ordinance.

#### **EXHIBIT LIST:**

1. Preliminary Plat application, PP13-00004, including property legal description, Affidavit of Agent Authority/Ownership, etc.; received June 24, 2013
2. Vicinity map
3. Project narrative
4. Preliminary Plat Plans – Sheets 1-2, received 2/10/2014
5. Conceptual Building, Access & Utility Plan, received 2/10/2014
6. Landscape Plan- Sheets 1-2, received 2/20/2014
7. Critical Area Study, received 8/20/2013
8. Final Mitigation Plan Buffer Reduction & Enhancement Plan – Sheets 1-3, received November 21, 2013
9. Certificate of Transportation Concurrency, CON13-00014
10. Preliminary Technical Information Report, received 2/10/2014
11. Affidavits of Public Notice

12. Public comments
13. Neighborhood Public Meeting/River & Streams Board meeting (9/17/2013) minutes
14. Environmental Checklist, received 3/13/2013
15. SEPA Determination issued 8/28/2013, re-issued 9/25/2013